

In the Court of Appeals of the State of Alaska

Yako W. Collins,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-12816**

Order

Petition for Rehearing

Date of Order: **7/26/2021**

Trial Court Case No. **3PA-08-00803CR**

Before: Harbison, Judge, Mannheimer, Senior Judge,* and Lyle,
Superior Court Judge.**

The State seeks rehearing of one aspect of our decision in this case: *Collins v. State*, Opinion No. 2704 (June 11, 2021). Specifically, the State argues that this Court should not have directed the superior court to reconsider Collins's claim that, given the facts of his case, the prescribed presumptive sentencing range for his offense is manifestly unjust. *See* AS 12.55.165(a).

We directed the superior court to re-analyze Collins's claim in light of our decision in *State v. Seigle*, 394 P.3d 627 (Alaska App., March 17, 2017). *Seigle* had not been decided when Judge Smith made his original ruling on Collins's claim of manifest injustice in 2009, nor when Judge Woodman revisited this issue in February 2017.

* Sitting by assignment made pursuant to Article IV, Section 11 of the Alaska Constitution and Administrative Rule 23(a).


** Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

Even though our decision in *Seigle* rested on pre-existing legal principles, *Seigle* represents a new and significantly different application of those principles to a claim of manifest injustice regarding the post-2006 presumptive sentencing ranges for sexual felonies. Because the superior court did not have the benefit of *Seigle* when it decided Collins's case, we re-affirm our directive to the superior court to reconsider Collins's claim of manifest injustice.

The petition for rehearing is DENIED.

Entered at the direction of the Court.

Clerk of the Appellate Courts

A handwritten signature in cursive script, reading "M. Montgomery", is written over a horizontal line.

Meredith Montgomery

cc: Judge Woodman
Trial Court Clerk - Palmer

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